

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

KRISTOPHER SMITH,

Plaintiff,

v.

**Civil Action 2:21-cv-3095
Judge James L. Graham
Magistrate Judge Jolson**

UNITED HEALTHCARE, et al.,

Defendants.

OPINION AND ORDER

This matter is before the Court on Plaintiff's Motion for Leave to File Amended Complaint Instanter (Doc. 15). The Court expedited briefing on the Motion, and no Defendant has responded to the Motion. Accordingly, the Court will treat the Motion as unopposed.

Rule 15(a)(2) of the Federal Rules of Civil Procedure provides that when a party seeks leave of court to file an amended pleading, "[t]he court should freely give leave when justice so requires." This rule, which allows a liberal policy in favor of granting amendments, "reinforce[s] the principle that cases 'should be tried on their merits rather than the technicalities of pleadings.'" *Inge v. Rock Finan. Corp.*, 388 F.3d 930, 936 (6th Cir. 2004) (quoting *Moore v. City of Paducah*, 790 F.2d 557, 559 (6th Cir. 1986)). Thus, the trial court enjoys broad discretion in deciding motions for leave to amend. *See Gen. Elec. Co. v. Sargent & Lundy*, 916 F.2d 1119, 1130 (6th Cir. 1990). In exercising its discretion, the trial court may consider such factors as "undue delay, bad faith or dilatory motive on the part of a movant, repeated failures to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, [and] futility of the amendment." *Foman v. Davis*, 371 U.S. 178, 182 (1962).

For good cause shown, and in light of the federal policy in favor of liberal amendment, Plaintiff's unopposed Motion (Doc. 15) is **GRANTED**. Given this leave for amendment, the Motion to Dismiss by Defendant United Collections Bureau, Inc. (Doc. 9) is **DENIED as moot**. The Clerk is **DIRECTED** to docket 15-1 as the Amended Complaint.

IT IS SO ORDERED.

Date: October 4, 2021

/s/ Kimberly A. Jolson
KIMBERLY A. JOLSON
UNITED STATES MAGISTRATE JUDGE